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**State Bar Court of California  
Hearing Department  
Los Angeles **PUBLIC MATTER****

<p>Counsel For The State Bar</p> <p>Michael J. Glass Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1254</p> <p>Bar # 102700</p>	<p>Case Number (s) 06-O-13897 RAH 08-O-10516</p>	<p>(for Court's use)</p> <p align="center"><b>FILED</b></p> <p align="center">DEC 17 2009</p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Shannon R. Boyd c/o Mary Victoria Dias 24892 Golden Vista Laguna Niguel, CA 92677-7461</p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>Bar # 170169</p> <p>In the Matter Of: Shannon Roberts Boyd</p> <p>Bar # 170169</p> <p>A Member of the State Bar of California (Respondent)</p>		

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted June 1, 1994.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 16 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
  - costs to be paid in equal amounts prior to February 1 for the following membership years: prior to February 1 in three billing cycles following the effective date of the discipline (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - costs entirely waived

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
- (a)  State Bar Court case # of prior case 01-O-03910
  - (b)  Date prior discipline effective November 12, 2005
  - (c)  Rules of Professional Conduct/ State Bar Act violations: rule 3-310(B)(1) of the Rules of Professional Conduct; B & P Code section 6106; B & P Code section 6068(o);
  - (d)  Degree of prior discipline Two years stayed suspension, two years probation with conditions, including a one year actual suspension.
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Attachment Page 7.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Attachment Page 7.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of three (3) years.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of three (3) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of eighteen (18) months.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

(1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

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- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |  |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions                        |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

No MPRE recommended. Reason:

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- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

In the Matter of <b>SHANNON ROBERTS BOYD</b> Member #170169 A Member of the State Bar	Case number(s): <b>06-O-13897 - RAH;</b> <b>08-O-10516</b>
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**Law Office Management Conditions**

- a.  Within        days/        months/        years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b.  Within        days/        months/ 1 years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 12 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c.  Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for        year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

(Law Office Management Conditions for approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004; 12/13/2006.)



heard in the Idaho court. Respondent did not appear. The Idaho court granted Reiss' Motion for Sanctions.

9. In July 2001, following the hearing of Plaintiff Reiss' Motion for Sanctions, the Idaho court awarded \$7,924.40 in sanctions against Respondent and in favor of Reiss for Respondent's filing of frivolous motions.
10. On June 16, 2001, Respondent was served with the Notice of Entry of Judgment on Sister State Judgment in the Orange County Superior Court matter entitled *Richard Reiss vs. Shannon Boyd*, Case No. 01CC07072.
11. On July 27, 2001, Respondent filed a Declaratory Relief action in the United States District Court for the Central District of California against the Idaho Judge, the Honorable Michael McLaughlin, Reiss, and Reiss' counsel, entitled *Shannon R. Boyd v. Michael McLaughlin, et al.*, Case No. 2:01cv6490. In this action, Respondent sought declaratory relief from the Idaho judgment on grounds of lack of personal jurisdiction and subject matter jurisdiction.
12. In *Shannon R. Boyd v. Michael McLaughlin, et al.*, Case No. 2:01cv6490, the United States District Court, taking judicial notice of relevant documents, found it "evident from the face of plaintiff's complaint that rather than mounting a general constitutional challenge, plaintiff is impermissibly asking the Court to review the merits of a state court decision adverse to him." On October 15, 2001, the United States District Court concluded that it lacked jurisdiction in the matter and refused to hear Respondent's Declaratory Relief action.
13. On November 30, 2001, in the Orange County Superior Court matter entitled *Richard Reiss vs. Shannon Boyd*, Case No. 01CC07072, Respondent filed a Motion to Vacate the Sister State Judgment under Code of Civil Procedure section 1710.40.
14. On March 14, 2002, in the Orange County Superior Court matter entitled *Richard Reiss vs. Shannon Boyd*, Case No. 01CC07072, the court denied Respondent's Motion to Vacate the Sister State Judgment under Code of Civil Procedure section 1710.40. The court found that the motion was untimely and substantively without merit, as Respondent had failed to meet the test of pleading and proving that he had a meritorious defense or claim which, if asserted in a new trial, would result in a judgment more favorable to him.
15. On or about May 28, 2002, Respondent filed a Notice of Appeal of the court's denial of his Motion to Vacate the Sister State Judgment in the Court of Appeal of the State of California, Fourth Appellate District, Case No. G030687.
16. On June 19, 2003, in Case No. G030687, the Court of Appeal issued an order, pursuant to Code of Civil Procedure section 907, rule 27(e) of the California Rules of Court, and the court's inherent supervisory powers, stating that it was considering the imposition of sanctions against Respondent in an amount not to exceed \$10,000 on the grounds that Respondent's appeal was frivolous and taken and maintained solely for purposes of delay and harassment, and for an unreasonable infraction of the rules governing appeals.
17. On July 23, 2003, Respondent filed his Response In Support of Appeal with the Court of Appeal.

18. On September 2, 2003, the Court of Appeal issued its opinion which affirmed the judgment denying Respondent's Motion to Vacate the Judgment on the Sister State Judgment, finding that the appeal was frivolous, objectively without factual or legal merit, and unreasonably violative of court rules and established standards of appellate practice. The Court of Appeal also imposed a \$3000 sanction against Respondent payable to the Clerk of the Court of Appeal. The September 2, 2003, Court of Appeal opinion stated that the \$3,000 sanction be paid within 30 days after the date the remittitur is issued. Respondent received the Court of Appeal opinion issued September 2, 2003.
19. On November 6, 2003, the Court of Appeal issued the remittitur. Respondent received notice of the remittitur from the Court of Appeal.
20. On January 8, 2004, the Court of Appeal mailed a letter to Respondent. In the letter, the Court of Appeal stated that Respondent should have paid the sanction no later than December 8, 2003, and that Respondent should pay the sanction forthwith. Respondent received the letter, but did not pay the sanction.

#### Conclusions of Law

21. By filing the appeal, as found by the Court of Appeal to be frivolous, Respondent wilfully failed to maintain such action, proceedings, or defenses only as appear to him legal or just in violation of Business and Professions Code section 6068(c).
22. By not timely paying the sanction imposed against Respondent by the Court of Appeal, Respondent wilfully disobeyed and violated an order of the court requiring him to do an act connected with or in the course of Respondent's profession which he ought in good faith to have done in violation of Business and Professions Code section 6103.

#### Case No. 08-O-10516

1. On June 14, 2005, the State Bar Court Hearing Department issued a decision in case number 01-O-03910 regarding Respondent. On June 14, 2005, the State Bar Court served a copy of the decision on Respondent by mail. Respondent received the copy of the decision.
2. On October 13, 2005, the California Supreme Court filed its Order number S135920 regarding case number 01-O-03910. The Court ordered that Respondent be suspended from the practice of law for two years, that execution of the suspension be stayed, and that Respondent be placed on probation for two years with conditions, including the condition that he be actually suspended for one year (the "Order"). The Order was effective November 12, 2005. On or about October 13, 2005, the California Supreme Court clerk served a copy of the order on Respondent by mail. Respondent received a copy of the Order.
3. As conditions of probation, the Supreme Court ordered Respondent to do the following:
  - a. During the period of probation, comply with the State Bar Act and the Rules of Professional Conduct;
  - b. Submit written quarterly reports to the State Bar of California's Office of Probation ("Probation") on each January 10, April 10, July 10 and October 10 during the period of probation, stating under penalty of perjury whether Respondent had complied with all the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter;

- c. Report to the State Bar of California's Membership Records Office ("Membership Records") and to Probation all changes of information, including his current office address and telephone number or, if no office was maintained by him, an address to be used for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code, within 10 days of any change; and,
  - d. Subject to a proper or good faith assertion of any applicable privilege, fully, promptly, and truthfully answer any inquiries of Probation directed to him, whether personally or in writing, relating to whether he is complying or has complied with the conditions of his probation.
4. On or about November 9, 2005, Probation mailed a letter to Respondent with information regarding his probation conditions to his Membership Records address of 24892 Golden Vista, Laguna Niguel, CA 92677 (the "membership records address"). With the letter, Probation sent a blank quarterly report form that he could use to report his compliance to Probation. In the letter, Probation informed Respondent that his first quarterly report was due on January 10, 2006. Respondent received the letter.
  5. Respondent did not file his first quarterly report with Probation, covering the period of November 12 to December 31, 2005, by the due date of January 10, 2006 (the "first quarterly report").
  6. On or about January 17, 2006, Probation received a letter from Respondent dated January 12, 2006 and postmarked January 16, 2006. In the letter, Respondent claimed that he had not received information regarding Probation's requirements.
  7. On January 17, 2006, Probation left Respondent a telephone message that his first quarterly report was overdue.
  8. On or about March 28, 2006, Probation mailed a letter to Respondent at the membership records address. In the letter, Probation again informed Respondent of the quarterly reporting conditions, and informed him that the first quarterly report was overdue. Respondent received the letter.
  9. On April 6, 2006, Respondent faxed a letter to Probation. In the letter, Respondent stated that he would send the first quarterly report to Probation. Probation left Respondent a message regarding his letter. Respondent did not respond to Probation's message.
  10. On May 12, 2006, Respondent called Probation and asked Probation to fax him a quarterly report form. On May 12, 2006, Probation faxed a quarterly report form to Respondent. Respondent received the fax.
  11. On May 13, 2006, Respondent faxed the first quarterly report to Probation.
  12. Respondent filed the original first quarterly report with Probation on May 16, 2006.
  13. Respondent did not file his second quarterly report with Probation, covering the period of January 1 to March 31, 2006, by the due date of April 10, 2006 ("the second quarterly report").
  14. On May 12, 2006, Respondent called Probation and asked Probation to fax him a quarterly report form. On May 12, 2006, Probation faxed a quarterly report form to Respondent. Respondent received the fax.

15. On May 13, 2006, Respondent faxed the second quarterly report to Probation. Respondent used the same quarterly report to report his compliance for the period of November 12 to December 31, 2005 and the period of January 1 to March 31, 2006.
16. On May 15, 2006, Probation informed Respondent over the telephone that he should submit his quarterly reports on separate forms in the future.
17. Respondent filed the second quarterly report with Probation on May 16, 2006.
18. On or about June 28, 2006, Probation mailed another letter to Respondent with information regarding his probation conditions to the membership records address. With the letter, Probation sent a blank quarterly report form that he could use to report his compliance to Probation. Respondent received the letter.
19. Respondent did not file his third quarterly report with Probation, covering the period of April 1 to June 30, 2006, by the due date of July 10, 2006 (the "third quarterly report").
20. Respondent filed the third quarterly report with Probation on July 14, 2006, but erroneously listed the compliance deadline as "July 14, 2007."
21. On or about December 18, 2006, Probation sent an e-mail to Respondent and left a telephone message for Respondent regarding his probation conditions. In the e-mail, Probation asked Respondent to call back to discuss his compliance with his probation conditions. Respondent received the e-mail. Respondent did not respond to Probation's message or e-mail.
22. Respondent did not file his fifth quarterly report with Probation, covering the period of October 1 to December 31, 2006, by the due date of January 10, 2007 (the "fifth quarterly report").
23. Respondent did not file his sixth quarterly report with Probation, covering the period of January 1 to March 31, 2007, by the due date of April 10, 2007 (the "sixth quarterly report").
24. Respondent did not file his seventh quarterly report with Probation, covering the period of April 1 to June 30, 2007, by the due date of July 10, 2007 (the "seventh quarterly report").
25. Respondent did not file his eighth quarterly report with Probation, covering the period of July 1 to September 30, 2007, by the due date of October 10, 2007 (the "eighth quarterly report").
26. Respondent did not file his final report with Probation, covering the period of October 1 to November 12, 2007, by the due date of November 12, 2007 (the "final report").
27. As a condition of probation, the Supreme Court ordered Respondent to provide Probation with satisfactory proof of attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session within one year of the effective date of the discipline, or by November 12, 2006 (the "Ethics School condition").
28. On September 14, 2006, Respondent attended Ethics School.
29. Respondent did not provide Probation with satisfactory proof of his attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session by November 12, 2006.
30. As a condition of probation, the Supreme Court ordered Respondent to provide Probation with satisfactory evidence of his completion of no less than 12 hours of Mandatory Continuing Legal Education-approved courses in attorney-client relations and legal ethics ("MCLE") within one year of the effective date of the discipline, or by November 12, 2006.

31. In Probation's letters of November 9, 2005 and June 28, 2006 to Respondent, Probation informed him of the MCLE condition. In Probation's December 18, 2006 e-mail to Respondent, Probation asked him to contact Probation to discuss the MCLE condition.
32. Respondent did not provide Probation with satisfactory evidence of his completion of no less than 12 hours of MCLE by November 12, 2006.

Conclusions of Law

33. By not filing the first quarterly report with Probation by January 10, 2006, the second quarterly report with Probation by April 10, 2006, the third quarterly report with Probation by July 10, 2006, the fifth quarterly report with Probation by January 10, 2007, the sixth quarterly report with Probation by April 10, 2007, the seventh quarterly report with probation by July 10, 2007, the eighth quarterly report with probation by October 10, 2007, and the final report with Probation by November 12, 2007, Respondent wilfully failed to comply with conditions attached to any disciplinary probation in violation of Business and Professions Code section 6068(k).
34. By not providing Probation with satisfactory proof of his attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session by November 12, 2006, Respondent wilfully failed to comply with all conditions attached to any disciplinary probation in violation of Business and Professions Code section 6068(k).
35. By not providing Probation with satisfactory evidence of his completion of no less than 12 hours of MCLE by November 12, 2006, Respondent wilfully failed to comply with all conditions attached to any disciplinary probation in violation of Business and Professions Code section 6068(k).

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(6), was December 1, 2009.

**DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
06-O-13897	Two	B & P Code section 6106 [Moral Turpitude].
06-O-13897	Four	B & P Code section 6068(i) [Failure to Cooperate In State Bar Investigation].

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 1, 2009, the prosecution costs in this matter are \$5,707.36. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

## **AUTHORITIES SUPPORTING DISCIPLINE.**

Under standard 1.7(a), when a Respondent has one prior imposition of discipline, “the degree of discipline in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline would be manifestly unjust.”

Under standard 2.6, “Culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3: (a) Sections 6067 and 6068; (b) Sections 6103 through 6105;....”

In *In the Matter of Lais* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 112, in a marital settlement dispute, Respondent was found culpable of prosecuting a frivolous appeal, assisting his client in attempting to take her children from the father’s home in violation of existing court orders, and misleading a superior court judge in a Complaint. The Review Department recommended discipline consisting of a three year stayed suspension, three years probation with conditions, including a two year actual suspension. In mitigation, it was noted although Respondent had practiced for many years without discipline, his experience as a family law specialist and State Bar investigation referee should have aided him in avoiding the misconduct. In aggravation, Respondent had engaged in multiple acts of misconduct, demonstrated a lack of insight into his misconduct, failed to timely comply with State Bar discovery requests, failed to timely file his pretrial statement, and presented misleading evidence in mitigation by presenting a resume which misled his services as counsel for a well known party.

## **AGGRAVATING CIRCUMSTANCES.**

### **FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.**

Under standard 1.2(b)(iv), in Case No. 06-O-13897, Respondent’s misconduct significantly harmed the public and the administration of justice, by filing a frivolous appeal which wasted the time, public funds, and resources of the Court of Appeal in handling the frivolous appeal. Respondent also harmed the administration of justice by violating a court order with Respondent’s failure to pay the \$3000 in sanctions to the Court of Appeal.

Under standard 1.2(b)(iv), in Case No. 08-O-10516, Respondent’s misconduct harmed the administration of justice, by Respondent’s failure to comply with the conditions of his probation in a prior disciplinary matter, which has was wasted the time and resources of the Office of Probation of the State Bar, and necessitated the instant disciplinary matter which also consumes the time and resources of the State Bar Court.

Under standard 1.2(b)(iii), Respondent’s misconduct evidences multiple acts of misconduct as in Case No. 06-O-13897, Respondent filed a frivolous appeal and violated a court order by failing to pay \$3000 in judicial sanctions to the Court Appeal. Further, in Case No. 08-O-10516, Respondent failed to comply with the conditions of his probation in a prior disciplinary matter.

**MITIGATING CIRCUMSTANCES.**

None.

**STATE BAR ETHICS SCHOOL.**

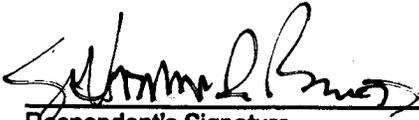
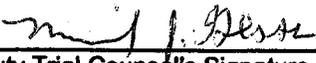
Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

In the Matter of <b>SHANNON ROBERTS BOYD</b> Member #170169	Case number(s): 06-O-13897 - RAH; 08-O-10516
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**SIGNATURE OF THE PARTIES**

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

<u>12/6/2009</u> Date	 Respondent's Signature	<u>SHANNON R. BOYD</u> Print Name
<u>12/10/09</u> Date	 Deputy Trial Counsel's Signature	<u>MICHAEL J. GLASS</u> Print Name

(Do not write above this line.)

In the Matter Of <b>SHANNON ROBERTS BOYD</b> Member #170169	Case Number(s): <b>06-O-13897 - RAH;</b> <b>08-O-10516</b>
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**ORDER**

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)

12-17-09  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court  
**RICHARD A. HONN**

## CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on December 17, 2009, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

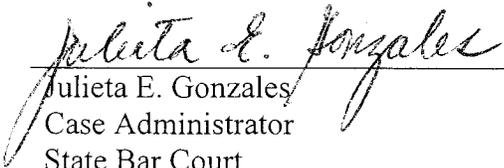
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SHANNON R BOYD ESQ  
C/O MARY VICTORIA DIAS  
24892 GOLDEN VISTA  
LAGUNA NIGUEL, CA 92677 - 7461

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Paul T. O'Brien, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 17, 2009.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court